

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Klemm et al.

**Application No.:** 10/030,805

• **Confirmation No.:** 5612

**Filed:** July 7, 2000

**Our File:** SMB-PT038  
(PC 00 430 B US)

**For:** METHOD AND DEVICE FOR  
PRESERVING ANIMAL AND HUMAN  
PREPARATIONS AS WELL AS  
MICROORGANISMS AND FOR PROLONGING  
THE VIABILITY OF ORGANS AND BODY  
PARTS TO BE TRANSPLANTED

**Date:** May 3, 2002

**Group:** Not Yet Known

**Examiner:** Not Yet Known

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. §371 AND NOTICE OF CHANGE IN INVENTIVE ENTITY  
UNDER 37 C.F.R. §1.497 (d)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. §371, the following are enclosed:

1. Copy of Notification of Missing Requirements Under 35 U.S.C. §371;
2. Revised Application Data Sheet with correct inventive entity;
3. Executed Declaration by the actual inventors Bernd Klemm, Andreas Melzer, and Jurgen Schlegel (2 documents);

\* \* \*

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231, on May 3, 2002.

May 3 2002  
Date of Signature

Randolph J. Huis  
Registration No. 34,626

4. Signed Statement of Martin Zimmermann in Support of Change in Inventorship from the International Application;
5. Assent of Assignee to Change of Inventorship with attached assignment; and
6. Check in the amount of \$260.

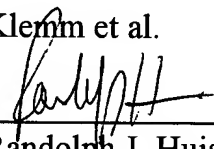
In compliance with 37 CFR §1.497(d), the inventive entity of the present application is different from that of the international application due to the deletion of Martin Zimmermann as an inventor. As noted in the Statement of Martin Zimmermann, he obtained rights in the original German priority application from joint inventors Bernd Klemm, Andreas Melzer, and Jurgen Schlegel. His name was inadvertently checked as both applicant and inventor in the original PCT request although he was not an inventor. All rights in the invention have been transferred to VivoCell GmbH. Accordingly, the Assent of Assignee to this Change in Inventorship has also been provided.

If any additional materials are required in order to fully respond to the Notification of Missing Requirements or to affect the change in inventive entity, it is respectfully requested that the undersigned be notified as soon as possible so that this can be addressed.

Respectfully submitted,

Klemm et al.

By

  
Randolph J. Huis  
Registration No. 34,616  
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05/15/2002 LLANDGRA 00000001 10030805

01 FC:154  
02 FC:122

130.00 OP  
130.00 OP

Volpe and Koenig, P.C.  
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1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103

RJH/srs  
Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/030,805	Martin Zimmermann	SMB-PT038(PC 00 430 B US)

INTERNATIONAL APPLICATION NO.	
PCT/EP00/06430	
I.A. FILING DATE	PRIORITY DATE
07/07/2000	07/13/1999

Volpe and Koenig  
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MAR 11 2002

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

CONFIRMATION NO. 5612

371 FORMALITIES LETTER



\*OC000000007550450\*

Date Mailed: 03/04/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Assignee Statement
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

RECEIVED AM/PM

MAR 18 2002

VOLPE &amp; KOENIG, P.C.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE

**DOCKETED FOR** 5/4/02 missing requirements

OF THIS NOTICE OR BY 22 or 3 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 305-3744

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/030,805	PCT/EP00/06430	SMB-PT038 (PC 00 430 B US)

FORM PCT/DO/EO/905 (371 Formalities Notice)